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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/074,778

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Gideon Hoshen

9769-23US (13306/US/01)

7176

570

7590

08/10/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,778	Applicant(s) HOSHEN ET AL	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/06/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kenner et al (5,956,716)** in view of **Ellis et al (2005/0028208)**.

As to claim 1, note the **Kenner** reference figure 1, discloses a system and method for delivery of video data over a computer network and further discloses a method for distributing content on demand over a cable network in which the subscribers (User Terminal/Local Storage and Retrieval Unit 'Local SRU' 14/18) are connected to a Central Unit (Primary Index Manager 'PIM' 22) in a hierarchical order of nodes (Remote Index Managers 'IMs' 34, col.4, line 36-col.5, line 15), each node comprises a plurality of subscribers clusters, comprising:

Providing a Management System at the Central Unit (Database Manager of PIM-22 or 64, figs.1, 4, col.7, line 14-35, col.8, line 14-25, col.9, line 19-54 and col.10, line 11-32);

Providing (PIM-22) to some of the subscribers within each cluster (a Building, LAN or region) an STB (Local SRU 14/18), and to the rest of the subscribers within each cluster and SSTB, Extended or remote storage and Retrieval Units 'Ex-SRUs' 26 or 38 (col.7, lines 14-35, col.8, lines 14-33, line 51-col.9, line 18), which are within the

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building, LAN or regional locations and receives at low traffic hours one or more content titles or portions of the content titles and transmits upon demand to Local SRU 14/18 or Ex-SRU-26 or 38 (col.11, lines 4-24, col.17, lines 12-45);

Transmitting (PIM-22) from the Central Unit titles to the SSTBs, and storing the titles within the SSTBs (col.10, lines 10-21 and line 40-col.11, line 24);

Providing (PIM-22) to each STB subscriber or SSTB subscriber a viewable list of the titles stored in all the SSTBs that are connected within the cluster of that subscriber; and whenever a subscriber selects a title for viewing from the viewable list, transmitting to the STB or the SSTB of that subscriber the selected title from at least one of the SSTBs within the cluster of that subscriber, which contain the title or portion (col.14, lines 47-col.15, line 13, col.16, lines 14-61, col.20, line 11-42, col.21, lines 20-col.23, line 24).

Kenner further discloses that the Local SRUs 14/18 is organized in the same manner as the data stored on the Ex-SRUs-26 (col.15, lines 24-28), but fails to explicitly teach where the Storage STBs (SSTBs) or Ex-SRUs-26 are a subscribers.

However, note the Ellis reference discloses 1-2, discloses an interactive TV program guide with remote access, where UserTV-22 provides a Remote Access Device (RAD) 22 with continuously or periodic data (program guide and other data) to enable the RAD-22 to access various functions of UserTVE-22 (page 5, [0071-0077]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Kenner system to

include a user interfaces at the Ex-SRUs-26 to display information to the user to inform the user of stored titles in its local database and also on the local area network.

As to claims 2-3, Kenner further discloses where the title is a video/audio title and where the distribution method is a method for distributing VOD (col.3, lines 15-19 and col.9, line 31-61).

As to claim 4, Kenner further discloses where the titles are transmitted from the CU to the SSTBs, during low traffic hours (col.11, lines 4-12 and col.17, lines 12-21).

As to claim 5, Kenner further discloses where different portions of each title being stored within different SSTBs within a same cluster (col.15, line 59-col.16, line 38)

As to claim 6, Kenner further discloses where a copy of each title is store in at least one backup SSTB within a same cluster (col.15, line 59-col.16, line 38 and col.17, lines 36-45)

As to claim 7, Kenner further discloses where during the transmission of a specific title, the backup SSTB supervises the proper transmission, and when a failure in the transmission of the title is detected, continuing transmission of the rest of the title to the subscriber from the backup SSTB (col.12, lines 47-64, col.16, line14-38, line 62-col.17, line 11 and line 36+).

As to claim 8, Kenner further discloses where each title being divided to portions that are stored in at least two SSTBs within a same cluster, for preventing the possibility of a copyright breach by copying a full stored title from the SSTB (col.21, line 19-45, col.col.25, line 55-col.26, line 25 and copyright in table of Item Name, Format and Description).

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As to claim 9, Kenner further discloses where the title portions are transmitted in sequence to the STB or the SSTB of the ordering subscriber alternatively from the plurality of the SSTBs in which portions of the title are stored, while at any time at least one backup SSTB supervises the proper transmission (col.12, lines 47-64, col.16, line14-38, line 62-col.17, line 11 and line 36+).

As to claim 10, Kenner further discloses where the MS collects data regarding the orders and carries out the billings (col.21, lines 19-46).

As to claim 11, Kenner further discloses where the transmission of the content from the CU to the SSTBs and/or the transmission of the ordered content from SSTBs to a subscriber STB or SSTB is encrypted and decrypted at the receiving end (col.21, line 19-45, col.col.25, line 55-col.26, line 25 and copyright in table of Item Name, Format and Description).

As to claim 12, Kenner further discloses where each SSTBs is capable of carrying out Internet Sessions through the MS system over the existing Internet infrastructures, and thereby providing Internet service to subscribers within the cluster, by displaying the session as video stream via their STB/SSTBs (col.20, line 10-col.23, line 1+).

As to claim 13, Kenner further discloses where the number of subscribers within a cluster is the range of several tens of subscribers (col.10, lines 22-32).

As to claim 14, Kenner further discloses where the transmission of an order title is kept within a cluster by means of a Line Extender blocking leakage of the

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transmission out of the cluster (col.7, lines 24-35, col.8, line 52-col.9, line 18 and col.16, lines 14-61).

As to claim 15, Kenner further discloses where the cluster is extended by modifying the blocking Line Extender in such a manner to allow transmission of the content on demand within a close medium containing at least two clusters, the leakage transmission out of the medium being blocked by another line extender (col.8, line 52-col.9, line 18, col.16, lines 14-61 and col.26, lines 50-67).

Claim 16 is met as previously discussed with respect to claim 1.

Claim 17 is met as previously discussed with respect to claim 1.

As to claim 18, Kenner further discloses where SSTB is capable of concurrently transmitting a plurality of selected titles to a requesting STB/SSTB(s) (col.10, lines 11-57).

As to claim 19-20, Kenner further discloses where transmissions originated from two or more SSTBs are multiplexed to a single channel by assigning to each SSTB specific frame positions within the channel and where at least one SSTB in a cluster is used as a relay station for receiving transmissions from other SSTBs in the cluster, and multiplexing the transmissions on one or more channels (col.10, lines 11-col.11, line 44, col.12, line 65-col.13, line 10, col.16, line 42-col.17, line 64).

As to claim 26, Kenner in view of Ellis further discloses where the title transmission from the SSTBs is performed utilizing QAM techniques (col.17, line 46-col.18, line 10)

As to claim 22, the claimed "A system for providing content on demand over a cable network comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 23 is met as previously discussed with respect to claims 14-15.

Claim 24 is met as previously discussed with respect to claim 10.

Claim 25 is met as previously discussed with respect to claim 5.

As to claim 26, Kenner further discloses where each SSTB comprises communication means for conveying status commands, and execution commands to either STBs or SSTBs within its cluster and to the Management system (col.12, lines 42-64)

Claim 27 is met as previously discussed with respect to claims 14-15

Claim 28 is met as previously discussed with respect to claim 1.

As to claim 29, Kenner further discloses where the links within a cluster are made by means of coax cables and splitters (col.17, line 46-col.18, line 4 and col.35, lines 10-15)

As to claim 30, Kenner further discloses where the SSTB comprising: a first and a second video channel receivers for concurrently receiving title transmitted on different channels (col.7, line 51-col.9, line 54 and col.10, line 40-col.11, line 24), an interactive channel receiver for receiving information and control data from the management system, an interactive channel transmitter for transmitting requests and status information to management system (col.10, line 40-col.11, line 24, col.12, lines 42-64 and col.15, line 59-col.16, line 61), an information data bus, one or more memories

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capable of receiving and storing data provided via the information data bus, a storage and controller unit for managing SSTB operations, an encryption unit for encrypting information provided on the bus, a CPU unit for processing the carrying out SSTB operations (col.8, line 66-col.9, line 14), demultiplexer for selecting multiplexed information provided on the bus, an MPEG decoder capable of decoding MPEG (col.25, line 55-col.26, line 7, col.27, line 11-22 and line 64-col.28, line 8) data provided on the bus or via the demultiplexer, a virtual multiplexer capable of multiplexing a plurality of title data provided on the bus, to at least a single channel, and a video channel transmitter capable of transmitting data from the virtual multiplexer on cable network channels (col.17, line 47-col.18, line 10), note that the SRU downloads or updates its database via the PIM and other SRUs, by transfers multimedia data between each neighboring SRUs

Claims 31-32 are met as previously discussed with respect to claim 1.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimura et al (6,947,973) disclose content supply apparatus for transmitting the content to a portable terminal in transmitted divided units and pre-fetching other contents from the transmitted divided units.

Imajima et al (6,211,901) disclose video data distributing device by VOD.

LaJoie et al (6,049,333) disclose system and method for providing an event database in a telecasting system.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

Annan Q. Shang